

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIEGO GALIETTI,

Plaintiff

v.

WESTERN PROGRESSIVE-NEVADA,
INC.,

Defendant

Case No.: 2:21-cv-02034-APG-BNW

Preliminary Injunction

[ECF No. 2]

On December 21, 2021, I conducted a hearing on plaintiff Diego Galietti's motion for a temporary restraining order (TRO) to enjoin the foreclosure sale of his house. ECF No. 2. Based on the findings and conclusions I put on the record during the hearing, I will grant a preliminary injunction instead of a TRO.

I THEREFORE ORDER that Galietti's motion (**ECF No. 2**) is **granted**. I enjoin defendant Western Progressive-Nevada, Inc. (WP) from conducting the foreclosure sale of the house and real property located at 3569 Pinnate Drive, Las Vegas, NV 89147 (the Property) pending further order of this court.

I FURTHER ORDER WP to file a supplemental brief by February 1, 2022 addressing the issues I raised at the hearing, including how MERS had authority to execute the December 13, 2012 (recorded January 2, 2013) assignment to Citibank as Indenture Trustee (ECF No. 11-5) after the bankruptcy of American Home Mortgage Acceptance, Inc.¹ Galietti may file a responsive brief by February 16, 2022.

¹ See, e.g., *Wood v. Germann*, 331 P.3d 859, 861 n.4 (Nev. 2014) ("A scenario in which a loan assignment might be void is where the assignor did not possess the rights it was purporting to

1 I FURTHER ORDER Galietti to post security for this injunction as follows: \$750.00 will
2 be deposited with the court by January 28, 2022. Fed. R. Civ. P. 65(c). On March 1, 2022, and
3 on the first business day of each month thereafter, Galietti will deposit with the court an
4 additional \$1,000.00. Galietti will continue to deposit \$1,000.00 each month while this
5 injunction remains in effect.

6 DATED this 21st day of December, 2021.



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9 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

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23 assign.”). One question I expressed at the hearing is whether MERS lost its authority to execute
the assignment after American Home filed bankruptcy.